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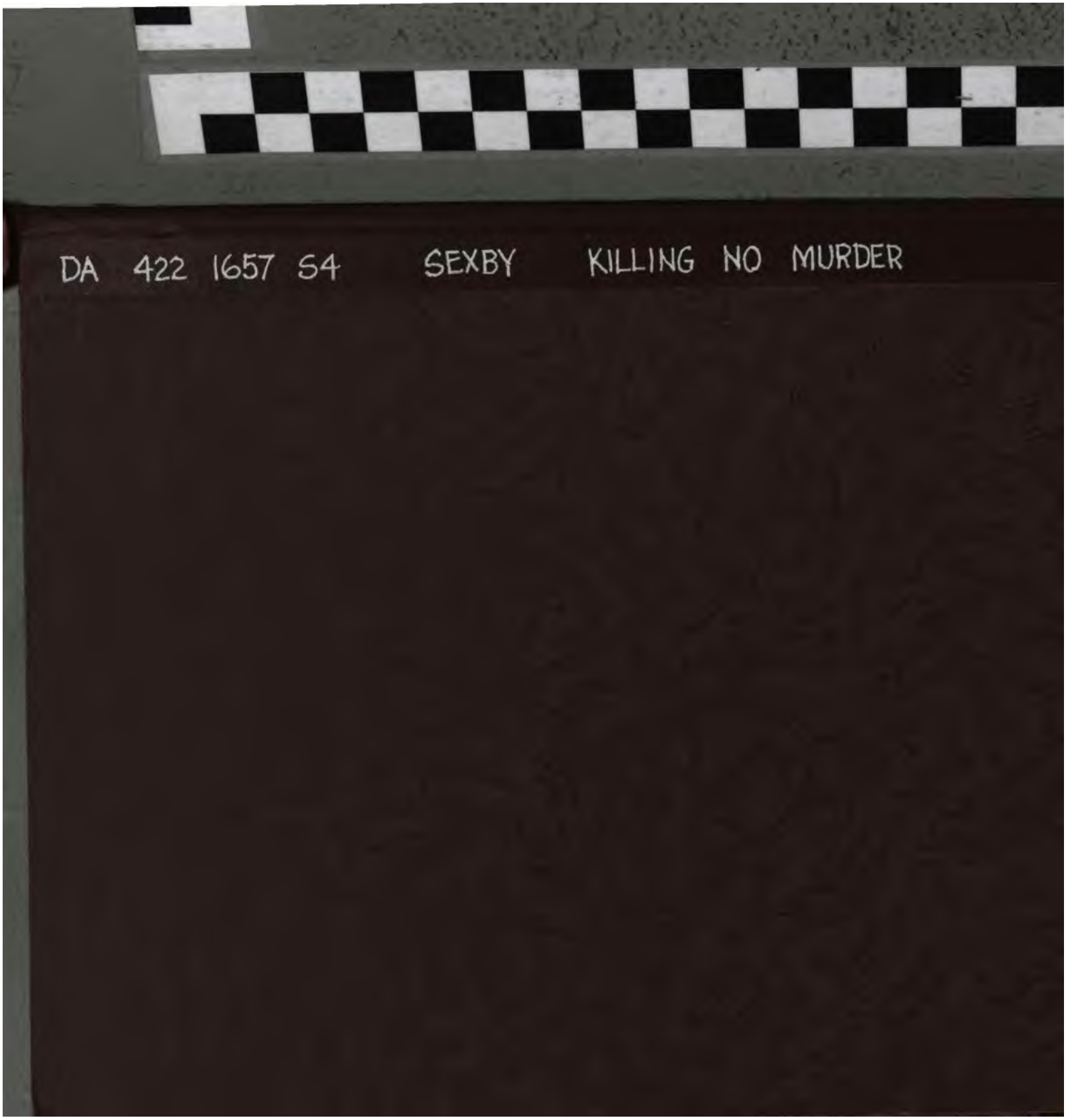
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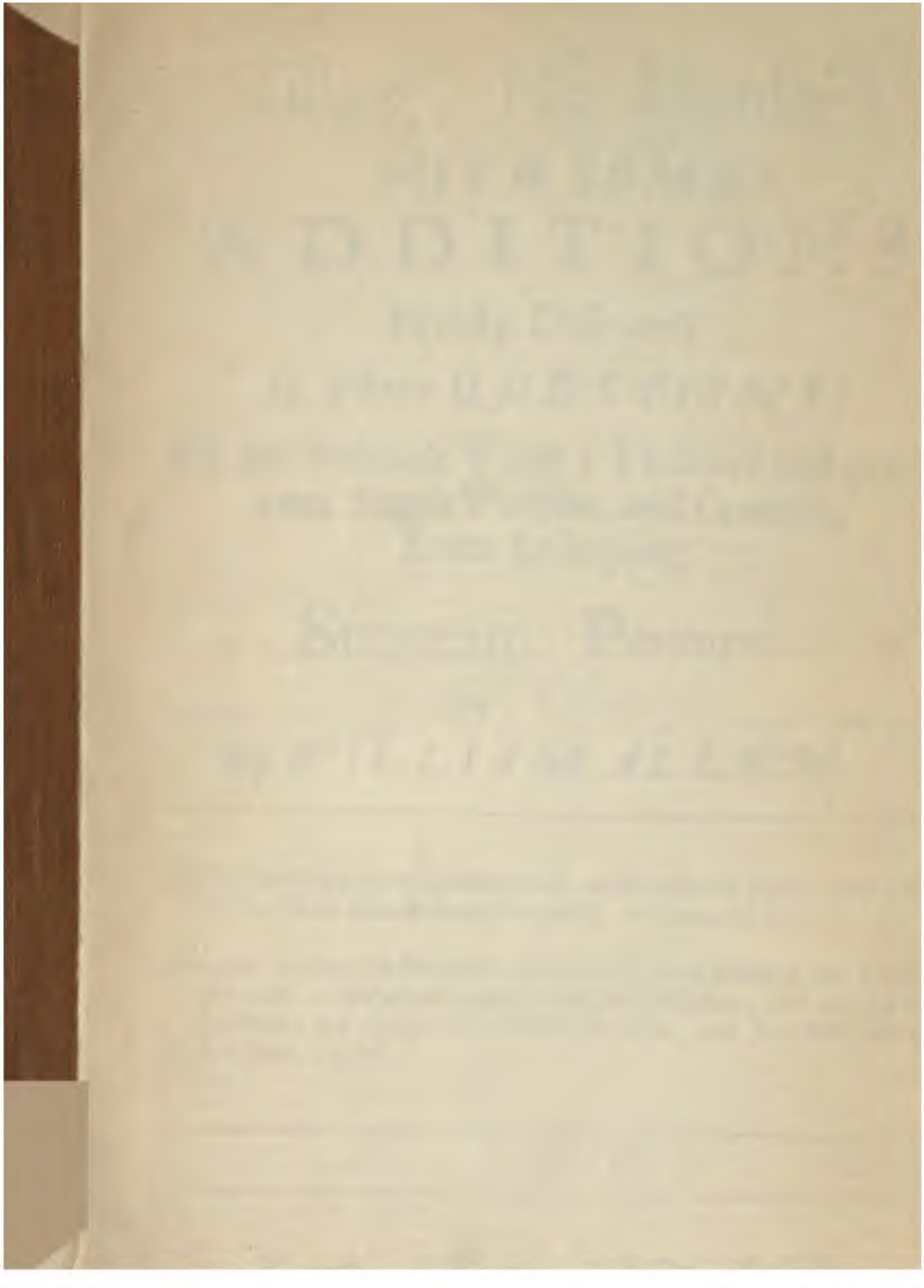

Killing, No Murder:

WITH SOME

ADDITIONS

Briefly Diſcourſt

In Three QUESTIONS;

Fit for Publick View; To deter and prevent *Single Perſons*, and *Councils*, from Uſurping

Supream Power

Sexby, Edward

By WILLIAM ALLEN.

And all the People of the Land rejoyced, and the City was quiet, after that they had ſlain Athaliah *with the Sword*, 2 Chron. 23. 21.

Now after the time that Amaziah *did turn away from following the Lord, they made a Conſpiracie againſt Him in* Jeruſalem, *and He fled to* Lachith: *but they ſent to* Lachiſh *after Him, and ſlew Him there*, 2 Chron. 25. 27.

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KILLING No MURDER.

Briefly Discourst in Three Questions.

By WILLIAM ALLEN.

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To his Highness,

OLIVER CROMWEL.

May it please your Highness,

HOw I have spent some hours of the leisure your Highness hath bin pleased to gi[illegible] me, this following Paper will give your Highness an accompt. How you will plea[illegible] to interpret it, I cannot tell; but I can with confidence say, my intention in it is, [illegible] procure your Highness that justice no body yet does you, and to let the people s[illegible] the longer they defer [illegible] the greater injury they do both themselves and you: T[illegible] your Highnes justly belongs the honour of dying for the people; and it cannot choose but be u[illegible] speakable consolation to you in the last moments of your life, to consider, with how much ben[illegible] fit to the world you are like to leave it. 'Tis then onely (my Lord) the Titles you now usurp wi[illegible] be truly yours, you wil then be indeed the Deliverer of your Country, and free it from a Bonda[illegible] little inferiour to that from which *Mayses* delivered his. You will then be that true Reforme[illegible] which you would be thought. Religion shall be then restored, Liberty asserted, and Parliamen[illegible] have those priviledges they have fought for. We shall then hope that other Laws will have pla[illegible] besides those of the Sword, and that Justice shall be otherwise defin'd then the will and pleasu[illegible] of the strongest, and we shall then hope men will keep Oaths again, and not have the necessity [illegible] being false, and perfidious to preserve themselves, and be like their Rulers. All this we hope fro[illegible] your Highness happy expiration, who are the true Father of your Countrey; for while you liv[illegible] we can call nothing ours, and it is from your death that we hope for our Inheritances. Let th[illegible] consideration arm and fortifie your Highnesses mind against the fears of death, and the terrours [illegible] your evil Conscience, that the good you will do by your death, will something ballance the evi[illegible] of your life. And if in the black Catalogue of High Malefactors few can be found that have liv[illegible] more to the affliction and disturbance of Mankind, then your Highness hath done, yet your gre[illegible] test Enemies will not deny but there are likewise as few that have expired more to the univer[illegible] sal benefit of Mankind then your Highness is like to do. To hasten this great good, is the chi[illegible] end of my writing this Paper, and if it have the effects, I hope it will, your Highness will quickl[illegible] be out of the reach of mens malice, and your enemies will onely be able to wound you in yo[illegible] memory, which strokes you will not feel. That your Highness may be speedily in this security, [illegible] the universal wishes of your grateful Countrey. This is the desires and prayers of the good an[illegible] of the bad, and it may be is the only thing wherein all Sects and Factions do agree in their dev[illegible] tions, and is our onely common prayer. But amongst all that put in their Requests, and Su[illegible] plications for your Highnesses speedy deliverance from all Earthly Troubles, none is more as[illegible] duous, nor more fervent then he, who with the rest of the Nation hath the Honour to be

May it please your Highness,

Your Highness present Slave and [illegible]

W. A.

IT is not any Ambition to be in Print, when so few spare Paper and the Presse; nor any Indigations of private revenge or malice (though few that dare be honest now want their causes) that have prevailed with me to make my self the Authour of a Pamphlet, and to disturb that Quiet which at present I enjoy, by his Highness great favour and * injustice. Nor am I ignorant to how little purpose I shall imploy that time and pains, which I shall bestow upon this Paper. For to think that any reasons or perswasions of mine, or conviction of their own, shall draw men from any thing wherein they see profit, or security, or to any thing wherein they fear loss, or see danger, is to have a better opinion both of my self and them, then either of us both deserve.

* Cato said of Pompey, It was alike Treason in him to usurp the giving him his life, as to take it away.

Besides, the subject it self is of that nature, that I am not only to expect danger from ill men, but censure and disallowance from many that are good; for these opinions only look upon, not look into, (which all have not eyes for) will appear bloody and cruel; and these compellations I must expect from those that have a zeal, but not according to knowledge: If therefore I had considered my self, I had spared what ever this is of pains, and not distasted so many, to please so few, as are in mankind, (the honest and the wise.) But at such a time as this, when God is not onely exercising us with a usual and common calamity, of letting us fall into slavery that used our liberty so ill; but is pleased so far to blind our understandings, and to debase our spirits, as to suffer us to court our bondage, and to place it among the requests we put up to him; Indignation makes a man break that silence that prudence would perswade him to use; if not not to work upon other mens minds, yet to ease his own.

A late Pamphlet tells us of a great design discovered against the person of his Highness, and of the Parliaments coming (for so does that Junto profane that name) to congratulate with his Highness, his happy deliverance from that wicked and bloody attempt. Besides this that they have Ordered, that God Almighty shall be mockt with a day of thanksgiving, (as I think the World is with the plot) and that the people shall give publique thanks for the publique calamity, that God is yet pleased to continue his Judgments upon them, and to frustrate all means that are used for their deliverance: Certainly, none will now deny, that the English are a very thankfull people. But I think if we had read in Scripture, that the Israelites had cryed unto the Lord, not for their own deliverance, but the preservation of their Task-masters, and that they had thanked God with Solemnity that *Pharaoh* was yet living, and that there was still great hopes of the daily encrease of the number of their Bricks: Though that people did so many things not onely impiously and profanely, but ridiculously and absurdly; yet certainly they did nothing we should more have wondered at, then to have found them Ceremoniously thankful to God for plagues, that were commonly so brutishly unthankful for mercies; And we should have thought that *Moses* had done them a great deal of wrong, if he had not suffered them to enjoy their slavery, and left them to their Tasks and Garlick.

I can with Justice say, my principal intention in this Paper is not to declaim against my L. *Protectour* or his Accomplices; for were it not more to justifie others, then to accuse them, I should think their own actions did that work sufficiently, and I should not take pains to tell the world what they know before. My design is, to examine whether if there hath been such a Plott as we hear of; and that it was contrived by Mr. *Sindercombe* against my *L. Protectour*, and not by my *L. Protectour* against Mr. *Sindercombe* (which is doubtful) whether it deserves those Epithites *Mr. Speaker* is pleased to give it, of bloody, wicked, and proceeding from the Prince of darkness. I know very well how uncapable the vulgar are, of considering what is extraordinary and singular in every case, and that they judge of things, and name them by their exteriour appearances, without penetrating at all into their causes or natures. And without doubt when they hear the *Protectour* was to be kill'd, they streight conclude a man was to be murdered, not a malefactour punished: for they think the formalities do alwayes make the things themselves, and that 'tis the Judge and the Cryer that makes the justice, and the Goal the Criminal: And therefore when they read in the Pamphlet Mr. *Speaker*'s Speech, they certainly think he gives these Plotters their right titles; and, as readily as a High-Court of Justice, they condemn them, without ever examining whether they would have killed a Magistrate, or destroyed a * Tyrant, over whom every man is naturally a Judge and an Executioner; and whom the Laws of God, of Nature, and of Nations expose, like Beasts of prey, to be destroyed as they are met.

* *See* Plutarch's *the Life of* Timolion, *cited in the Continuation of this Session of Parliament, lately Printed.*

at I may be as plain as I can, I shall first make it a question, (which indeed is none) Whether *ord Protectour* be a Tyrant or not? Secondly, if he be, Whether it is lawful to do Justice upon without Solemnity, *that is*, to Kill him? Thirdly, if it be lawful, Whether it is like to profitable or noxious to the Common-wealth?

: Civil Law makes Tyrants of two sorts, *Tyrannus sine Titulo*, and *Tirannus Exercitio*. The *called a Tyrant*, because he hath no right to govern; the other, because he governs Tyranni-

We will very briefly discourse of them both, and see whether the Protectour may not with justified.

Justice put in his claim to both Titles

We ſhall ſufficiently demonſtrate who they are that have not a right to govern, if we ſhew who they are that have; and what it is that makes the power juſt which thoſe that rule have over the natural liberty of other men. To Father, within their private Families nature hath given a Supreme power. Every man, ſayes *Ariſtotle*, (*a*) of Right governs his wife and children, and this power was neceſſarily exerciſed (*b*) every where, while Families lived diſperſt, (*c*) before the conſtitutions of Common-wealths; and in many places it continued after, as appears by the Laws of *Solon*, and the moſt Ancient of thoſe of *Rome*. And indeed as by the Laws of God (*d*) and nature, the care, defence, and ſupport of the family lies upon every man whoſe it is; ſo by the ſame Law there is due unto every man from his Family a ſubjection and obedience, in compenſation of that ſupport. But ſeveral Families uniting themſelves together to make up one body of a Comon-wealth, and being Independent one of another, without any natural Superiority or Obligation, nothing can introduce amongſt them a diſparitie of Rule and ſubjection, but ſome power that is over them; which power none can pretend to have but God and themſelves. Wherefore all power which is lawfully exerciſed over ſuch a Society of men, (which from the end of its inſtitution we call a Common-wealth) muſt neceſſarily be derived either from the appointment of God Almighty, who is Supream Lord of all and every part; or from the conſent of the Society it ſelf, who have the next power to his, of diſpoſing of their own liberty, as they ſhall think fit for their own good. This power God hath given to Societies of men, as well as he gave it to particular (*e*) perſons; and when he interpoſes not his own authority and appoints not himſelf who ſhall be his Vice-gerents and rule under him; he leaves it to none but the people themſelves to make the election, whoſe benefit is the end of all government. Nay, when he himſelf hath been pleaſed to appoint rulers for that people, which he was pleaſed peculiarly to own, He many times made the choice, but left the Confirmation and Ratification of that choice to the people themſelves. So *Saul* (*f*) was choſen by God, and anointed King by his Prophet, but made King by all the people at *Gilgal*. (*a*) *David* was anointed King (*b*) by the ſame Prophet, but was afterwards, after *Saul*'s death, confirmed by the people of *Juda*, (*c*) and 7. years after by the Elders of (*d*) *Iſrael*, the Peoples Deputies, at *Hebron*. And it is obſervable, that though they knew that *David* was appointed King by God, and anointed by his Prophet, yet they likewiſe knew that God allowed to themſelves not only his confirmation, but likewiſe the limitation of his power; for before his Inauguration, they made a league (*e*) with him; that is, obliged him by compact to the performance of ſuch conditions as they thought neceſſary to the ſecuring their Liberty. Nor is it leſs remarkable, that when God gives directions to his people concerning their government, he plainly leaves the Form to themſelves: for he ſayes not, When thou ſhalt have come into the Land which the Lord thy God gives thee, *Statues ſuper te Regem*; But, *Si* (*f*) *Dixeris ſtatuam*. God ſayes not, Thou ſhalt appoint a King over thee; But if thou ſhalt ſay, I will appoint; leaving it to their choice, whether they would ſay ſo or no. And it is plain in that place, that God gives the people the choice of their King, for he there inſtructs them whom they ſhall chooſe, *Unum de fratribus tuis*, one out of the midſt of thy brethren: Much more might we ſay, if it were a leſs manifeſt Truth that all juſt power of Government is founded upon theſe two baſes, of Gods immediate command, or the Peoples conſent. And therefore whoſoever arrogates to himſelf that power, or any part of it, that cannot produce one of thoſe two titles, is not a Ruler, but an Invader, and thoſe that are ſubject to that power, are not governed, but oppreſt.

(*a*) *Pol.* l. 1. c. 1.
(*b*) *Gen.* 44. 24.
(*c*) *Ariſt. ibid.*
(*d*) 1 *Tim.* 5. 8.
Vid. Hooker. Eccleſ. Pol. lib. 1. *c.* 10.
(*e*) *Ex.* 22. 5.
(*f*) 1 *Sam.* 10. 2.
(*a*) 1 *Sam.* 12. 2.
(*b*) 1 *Sam.* 16. 13.
(*c*) 2 *Sam.* 2. 4.
(*d*) 2 *Sam.* 5 3.
(*e*) 2 *Sam.* 5. 3.
(*f*) *Deut.* 17. 14.

This being conſidered, have not the People of *England* much reaſon to ask the Protector this Queſtion, *Quis conſtituit te virum Principem & judicem ſuper nos*? Who made thee a Prince and a Judge over us? If God made thee, make it manifeſt to us. If the People, where did we meet to do it? Who took our Subſcriptions? To whom deputed we our authority? And when and where did thoſe Deputies make the choice? Sure theſe interrogations are very natural, and I believe would much trouble his Highneſs his Council, and his *Junto* to anſwer. In a word, that I may not tire my reader, (who will not want proofs for what I ſay, if he wants not memory) If to change the government without the peoples conſent: If to diſſolve their Repreſentatives by force, and diſannul their Acts: If to give the name of the Peoples Repreſentatives to confederates of his own, that he may eſtabliſh iniquity by a law: If to take away mens lives out of all courſe of Law, by certain Murtherers of his own appointment, whom he names *A High-Court of Juſtice*. If to decimate mens eſtates, and by his own power to impoſe upon the people what Taxes he pleaſes: And to maintain all by force of Arms: If I ſay all this does make a Tyrant, his own impudence cannot deny, but he is as compleat a one as ever hath been ſince there have been Societies of Men. He that hath done, and does all this, is the perſon for whoſe preſervation the people of *England* muſt pray; but certainly if they do, 'tis for the ſame Reaſon that the old Woman of *Syracuſe* prayd for the long life of the Tyrant *Dionyſius*, leſt the Devill ſhould come next.

Now if inſtead of Gods Command, or the Peoples Conſent, his Highneſs hath no other Title but

force and fraud, which is to want all Title: And if to violate all Laws, ... but those of his own will, be to exercise that Tyranny he hath usurpt, and to make his Administration conformable to his claym: Then the first Question we proposed, is a Question no longer.

But before we come to the second, being things are more Easily perceived and found by the description of their *Exterieur Accidents, and Qualities*, then the defining their Essences: It will not be Amiss, to see, whether his Highness hath not as well the outward Marks and Characters by which Tyrants are known, as he hath their *Nature and Essential* properties! Whether he hath not the Skin of the Lyon, and Tayl of the Fox, as well as he hath the Violence of the one, and Deceipt of the other. Now in this Delineation which I intend to make of a Tyrant, all the Lineaments, all the Colours, will be found so Naturally to correspond with the life, that it cannot but be doubted, whether his Highness be the Original, or the Copy. Whether I have in drawing the Tyrant, represented him? or in Representing him, Exprest a Tyrant. And therefore lest I should be suspected to deal un-sincerely with his Highness, and not to have Applyed *These* following Characters, but made them, I shall not give you any of my own Stamping, but such as I find in *Plato, Aristotle, Tacitus*, and his Highness own *Evangelist. Machiavell.*

1. Almost all Tyrants have been first Captains and Generals for the People; under pretences of vindicating, or defending their Liberties. *Et Imperium evertant Libertatem praeferunt; cum perverterunt, ipsam aggrediuntur*, sayes *Tacitus*; (a) to subvert the present Government, they pretend Liberty for the People; when the Government is down, they then Invade that Liberty themselves: this needs no Application.

2. Tyrants accomplish their ends much more by fraud than force. Neither vertue nor force (sayes Machiavel) (b) are so necessary to that purpose, as *una Astutia fortunata*, a Lucky craft: which sayes he, (c) Without force hath been often found sufficient, but never force without that. And in another place (d) he tells us their way is *Aggirare Lucervelli de gl'huomini con Astutia, &c.* With cunning plausible pretences to impose upon mens understandings, and in the end they master those that had so little wit as to rely upon their faith and integrity. 'Tis but unnecessary to say, That had not his Highness had a faculty to be fluent in his tears, and eloquent in his execrations: Had he not had spungy eyes, and a supple conscience; and besides to do with a people of great faith, but little wit; his courage and the rest of his Moral vertues, with the help of his Janizaries, had never been able so far to advance him out of the reach of Justice, that we should have need to call for any other hand to remove him, but that of the Hangman.

3. They abuse all excellent persons, and rid out of the way all that have noble minds, *Et Terrae filius extollunt*; and advance Sons of the Earth. To put *Aristotle* into other words, they purge both Parliament and Army, till they leave few or none there, that have either honour or conscience, either wit, *Interest*, or Courage to oppose their designs. And in these Purgations (saith *Plato*) (e) Tyrants do quite contrary to Physitians; for they purge us of our humours, but Tyrants of our Spirits.

4. They dare suffer no Assemblies. Not so much as Horse-races.

5. In all places they have their Spies and Dilators, that is, they have their *Broughalls*, their *St. John's* (besides innumerable small spyes) to appear discontented and not to side with them; that under that disguise they may get trust, and make discoveries. They likewise have their Emissaries to send with forged letters. If any doubt this, let him send to Major General *Brown*, and he will Satisfie Him.

6. They Stir not without a guard, nor his Highness without his Life-guard.

7 They impoverish the people, that they may want the power, if they have the will, to attempt anything against them. His Highness way is by Taxes, Excise, Decimations, &c.

8. They make war to divert and busie the people: And besides, to have a pretence to raise moneys, and to make new Levies, if they either distrust their old forces, or think them not sufficient. The war with *Spain* serveth his Highness to this purpose, and upon no other Justice was it began at first, or is still continued.

9. They will seem to honour and provide for good men: That is, if the Ministers will be Orthodox and flatter: If they will wrest and torture the Scripture to prove his Government lawful, and furnish him with Title: his Highness will likewise be then content to understand Scripture in ir favour, and furnish them with Tithes.

o. Things that are odious and distastfull, they make others executioners of; and when the peo- discontented, they appease them with Sacrificing those Ministers they imploy: I leave it ighness his Major Generals to ruminate a little upon this point.

n all things they pretend to be wonderful careful of the Publique: to give general accompts ... which they pretend to be levied for the maintenance of the State, and ... made an excellent Comment upon this place of *Aristotle*

The marks o Tyrant. Aris Pol. lib. 5. c. 1 vid. Mach. Discor. l. 1. c. (a) An. lib. 1 Idem alibi. Caeterum libe tas & Speci nomina pra texuntur, n quisquam ali num serviti & Domina nem sibi co pivit, ut i eadem ista cabula usu ret. Mac Discor. l. 2. (b) Il. prin (c) Disc. c. 13. (d) Prin Arist. Pol c. 11. Pl Repub. l. 8

Arist. I Arist. I Id. Ibi Plato pub l Id. I Ari M Pr. M ad gr th th I pr

12 All things ſet aſide for Religious uſes they ſet to ſale; that while thoſe things laſt, t
may exact the leſs of the people. The Cavaliers would interpret this of the Dean and Chapt
Land.

Plato de Rep. lib. 8. Id. & Plut. paſſim.

13 They pretend inſpirations from God, and reſponces from Oracles to Authoriſe what t
do, his Highneſs hath been ever an Enthuſiſt. And as Hugh Caper, in taking the Crown, pretend
to be admoniſht to it in a dream by St. *Vallery*, and St. *Richard*: ſo I believe will his Highneſs
the ſame, at the inſtigation of St. *Henry*, and St. *Richard* his two Sons.

Hiſtor. of Fran. Ibid. lib. 5. c. 11.

14. Laſtly, Above all things they pretend a love to God and Religion. This *Ariſtotle* ca
Artium Tyrannicarum potiſſimum; the ſureſt and beſt of all the Arts of Tyrants, and we all know
Highneſs hath found it ſo by experience. He hath found indeed that in godlineſs there is gr
gain; and that preaching and praying well managed, will obtain other Kingdoms as well as t
of Heaven. His indeed have been pious Arms, for he hath conquered moſt by thoſe of the Churc

(a) *Preces & Lacrymæ ſunt arma Eccleſiæ.*

by prayers, and (*a*) tears. But the truth is, were it not for our honour to be governed by one th
can manage both the Spiritual and Temporal Sword, and Roman like, to have our Emperor
High Prieſt: We might have had preaching at a much cheaper rate, and it would have coſt
but our Tythes, which now coſts us all.

Other Marks and Rules there are mentioned by *Ariſtotle* to know Tyrants by: but they h
ing unſuitable to his Highneſs Actions, and impracticable by his Temper, I inſiſt not on the

(b) *Pol. lib. 5. c. 11.*

As among other things (*b*) *Ariſtotle* would not have a Tyrant inſolent in his behaviour, nor ſtri
people. But his Highnes is naturally chollerique, and muſt call men Rogues, and go to Cuffs.
laſt he concludes he ſhould o faſhion his manners, as neither to be really good, nor abſolut
bad, but half one, half tother. Now this half good is too great a proportion for his Highneſs, a
much more then his temper will bear.

But to ſpeak Truths more ſeriouſly, and to conclude this firſt Queſtion. Certainly what e
theſe Characters make any man, it cannot be denied but his Highneſs is; and then if he be ne
Tyrant, we muſt confeſs we have no definition nor deſcription of a Tyrant left us; and may w
imagine there is no ſuch thing in Nature, and that 'tis onely a Notion and a Name. But if th
be ſuch a Beaſt, and we do at all believe what we ſee and feel; let us now enquire, according to
method we propoſed, whether this be a Beaſt of Game that we are to give law to, or a Beaſt
Prey to deſtroy with all means are allowable and fair?

Whether it be Lawful to kill a Tyrant?

In deciding this queſtion Authors very much differ, as far as it concerns ſupream Magiſtrat
who degenerate into Tyrants. Some think they are to be born with as bad (*c*) Parents; and pl
them in the number of thoſe miſchiefs (*d*) that have no other cure but our patience. Oth

(c) *Ames Parentem & æquus eſt, & non, ferat.*

think they may be queſtioned by that ſupream Law of the peoples ſafety; and that they are
ſwerable to the peoples Repreſentatives for the breach of their Truſt. But none, of ſober ſen
makes private perſons Judges of their actions; which were indeed to ſubvert all Governme
But on the other ſide, I find none, that have not been frighted or corrupted out of their Reaſ

(d) *Sicut ſteritatem, aut nimios imbres &c.* Tacit.

that have been ſo great Enemies to Common Juſtice, and the Liberty of Mankind; as to give
kind of Indemnity to a Uſurper, who can pretend no Title, but that of being ſtronger; nor ch
lenge the peoples obedience upon any other obligation but that of their neceſſity, and fear. S
a perſon, as one out of all bounds of humane protection, all men make the *Iſhmael*, (*e*) agai
whom is every mans hand, as his is againſt every man. To him they give no more ſecurity th

(e) Gen. 16. 12.

Cain, his fellow murtherer and oppreſſeur, promiſed to himſelf, to be deſtroyed by him that fou
him firſt.

The reaſon why a Tyrants caſe is particular, and why in that every man hath that vengea
given him, which in other caſes is reſerved to God and the Magiſtrate, cannot be obſcure, if
rightly conſider what a Tyrant is, what his crimes are, and in what ſtate he ſtands with the Co
mon-wealth, and with every member of it. And certainly if we find him an enemy to all Hum
Society, and a ſubverter of all Laws, and one that by the greatneſs of his villanies, ſecures him
againſt all ordinary courſe of Juſtice: we ſhall not at all think it ſtrange, if then he have no
neſit from humane ſociety, no protection from the laws; and if, in his caſe, Juſtice diſpenſes with
forms. We are therefore to conſider that the end for which men enter into ſociety, is not barely
live, which they may do diſperſt, as other Animals: but to live happily; and a Life anſwerable
the dignity and excellency of their kind. Out of Society, this happineſs is not to be had, for ſin
we are imporent, and defective, unable to procure thoſe things that are either of neceſſity, or
nament for our lives, and as unable to defend and keep them when they are acquired. To rem
theſe defects, we Aſſociate together that what we can neither enjoy nor keep, ſingly, by mut
benefits and aſſiſtances, one of another, We may be able to do both. We cannot poſſibly acco
pliſh theſe ends, if we ſubmit not our paſſions and appetites to the Laws of Reaſon and Juſtice.

ille depravity of mans will makes him as unfit to live in Society, as his neceſſity makes him unable to live out of it. And if that perverſeneſs be not regulated by Laws, mens appetites to the ſame things; their avarice, their luſt, their ambition would quickly make Society as unlate, or more, then Solitude it ſelf, and we ſhould aſſociate onely to be nearer our miſery and our ruine. That therefore by which we accompliſh the ends of a Sociable life, is our ſubjection, and ſubmiſſion to Laws, theſe are the Nerves and Sinews of every Society or Common-Wealth; Without which they muſt neceſſarily diſſolve and fall aſunder. And indeed (as *Auguſtine* ſayes) thoſe Societies where Law and Juſtice is not, are not Common-wealths or Kingdoms, but *Magna Latrocinia*, Great Confederacies of Thieves and Robbers. Thoſe therefore that ſubmit to no Law, are not to be reputed in the Society of Mankind, which cannot conſiſt without a Law. Therefore *Ariſtotle* (a) ſaith, Tyrannie is againſt the Law of Nature, that is, the Law of Humane Society, in which Humane Nature is preſerved. For this reaſon they deny a Tyrant to be *Partem Civitatis*; for every part is ſubject to the whole; and a Citizen (ſays the ſame Author,) (b) is he who is as well obliged to the duty of obeying, as he is capable of the power of commanding. And indeed he does obey whileſt he does command, that is, he obeys the Laws, which (ſays *Tully*) *Magiſtratibus præſunt, ut Magiſtratus præſunt Populo*, are above the Magiſtrates, as the Magiſtrates are above the people. And therefore a Tyrant that ſubmits to no law; but his will and luſt are the law, by which he governs himſelf and others, is no Magiſtrate, no Citizen or member of any Society, but an Ulcer and a Diſeaſe that deſtroys it, and if it be rightly conſidered, a Common wealth by falling into a Tyrannie abſolutely looſes that name, and is actually another thing: *Non eſt civitas quæ unius eſt viri* (ſays *Sophocles*) that which is one mans, is no City. For there is no longer King and People, or Parlement and People; but thoſe names are changed (at leaſt their natures) into Maſters and Servants, Lord and Slaves: And *Servorum non Civitas erit ſed magna Familia* (ſays *Grotius*) (c) where all are Slaves, 'tis not a City but a great Family. And the truth is, we are all members of *Whitehall*, and when our Maſter pleaſeth, he may ſend for us thither, and there bore through our Ears at the door poſts. But to conclude, a Tyrant, as we have ſaid, being no part of a Common-wealth, nor ſubmitting to the Laws of it, but making himſelf above all law: There is no reaſon he ſhould have the protection that is due to a member of a Common-wealth, nor any defence from laws, that does acknowledge none. He is therefore in all reaſon to be reckoned in the number of thoſe Savage Beaſts, that fall not with others into any Heard: that have no other defence but their own ſtrength; making a prey of all thats weaker, and, by the ſame juſtice, being a prey to all thats ſtronger then themſelves.

(a) *Pol. lib. 3. c. 12.*
(b) *Lib. 5. c. 8.*
(c) *Defur. bel. l. 3. c. 8.*

In the next place, let it be conſidered, That a Tyrant making himſelf above all Law, and defending his injuſtice by a ſtrength which no power of Magiſtrates is able to oppoſe; he becomes above all puniſhment, above all other Juſtice, then that he receives from the ſtroak of ſome generous hand. And certainly, the ſafety of mankind were but ill provided for, if there were no kind of Juſtice to reach great villanies, but Tyrants ſhould be *Immanitate Scelerum tuti*, ſecured by the greatneſs of their crimes. Our Laws would be then but Cobwebs indeed, made only to catch Flies; but not to hold Waſps or Hornets: And it might be then ſaid of all Common-wealths, what was ſaid of *Athens*; That there onely ſmall Theeves were hanged, but the great ones were free, and condemned the reſt. But he that will ſecure himſelf of all hands, muſt know, he ſecures himſelf from none: He that flies Juſtice in the Court, muſt expect to find it in the ſtreet: and he that goes armed againſt every man, arms every man againſt himſelf. *Bellum eſt in eos, Qui judiciis cuncta non ſubjunt*, (ſays *Cicero*) We have warr with thoſe againſt whom we can have no law. The ſame Authour, *Cum duo ſint decertandi genera, &c.* There being two wayes of deciding differences, the one by Judgment and Arbitration; the other by Force: the one proper to men, the other to beaſts. We muſt have recourſe to the latter, when the former cannot be obtained. And certainly by the Law of Nature, *ubi ceſſat Judicium*, when no Juſtice can be had, every man may be his own Magiſtrate, and do juſtice for himſelf. For the Law (ſayes *Grotius*) that forbids me to purſue my right but by a courſe of Law: Certainly ſuppoſes, *ubi copia eſt Judicii*, where Law and Juſtice is to be had: otherwiſe that law were a defence for injuries, not one againſt them; and quite contrary to the nature of all Laws, would become the protection of the guilty againſt the innocent, not of the innocent againſt the guilty. Now as it is contrary to the Laws of God and Nature, that men, who are partial to themſelves, and therfore unjuſt to others, ſhould be their own Judges, where others are to be had; ſo it is as contrary to the Law of Nature, and the common ſafety of mankind, that when the Law can have no place, men ſhould be forbidden to repel force by force, and ſo to be left without all defence and remedy againſt injuries. God himſelf left not the ſlave without remedy againſt the cruel Maſter: And what Analogie can it hold with reaſon, that the ſlave that is but his Maſters money; and but part of his Houſhold-ſtuff;

Grot. *de jur. Bel. l. 1. c. 3.*
Ibid.
Deut. 17.

ſhould find redreſs againſt the Injuries and Inſolencies of an imperious Maſter, and a free people,

who

who have no Superiour but their God, ſhould have none at all againſt the injuſtice and oppreſſion of a Barbarous Tyrant? And were not the incongruity fully as great, that the Law of God permitting every man to kill a Thief, if he took him breaking open his houſe in the night: becauſe then it might be ſuppoſed he could not bring him to juſtice? But a Tyrant, that is the common Robber of mankind, and whom no Law can take hold on, his perſon ſhould be, *Sacroſanctâ, cui nihil Sacrum aut Sanctum*, to whom nothing is Sacred, nothing Inviolable? But the Vulgar judge ridiculouſly like themſelves. The gliſter of things dazles their Eyes, and they judge of them by their appearances; and the Colours that are put on them. For what can be more abſurd in Nature, and contrary to all common ſence, then to call him Thief and kill him, that comes alone, or with a few to Rob me: And to call him Lord Protector and obey him, that robs me with Regiments and Troops? As if to rove with two or three ſhips were to be a Pirate, but with 50 an Admiral? But if it be the number of Adherents onely, not the cauſe, that makes the difference between a Robber and a Protectour: I wiſh that number were defined, that we might know where the Thief ends, and the Prince begins. And be able to diſtinguiſh between a Robbery and a Tax. But ſure no Engliſh-man can be ignorant, that it his Birth-right to be Maſter of his own Eſtate; and that none can command any part of it but by his own grant and conſent, either made expreſly by himſelf, or Virtually by a Parliament. All other ways are meer Robberies in other Names: *Auferre, Trucidare, Rapere, falſis nominibus imperium, atque ubi ſolitudinem faciunt, pacem apellant*: To rob, to extort, to murder Tyrants falſly cal'd to govern, and to make deſolation, they call to ſettle peace: in every Aſſeſſment we are rob'd, the Excize is Robbery, the Cuſtom's Robbery, and without doubt, when ever 'tis prudent, 'tis always lawful to kill the Thieves, whom we can bring to no other juſtice. And not onely lawful, and to do our ſelves right, but Glorious, and to deſerve of mankind, to free the world of that common Robber, that univerſal Pirat, under whom, and for whom, theſe leſſer Beaſts prey. This Firebrand I would have any way extinguiſht. This Ulcer I would have any hand to lance. And I cannot doubt but God will ſuddenly ſanctifie ſome hand to do it, and bring down that bloudy and deceitful man, who lives not onely to the miſery, but the infamy of our Nation.

Exod. 21.

Exod 22. 2.

Tacit. *in Vit. Agric.*

I ſhould have reaſon to be much leſs confident of the juſtice of this opinion, if it were new, and onely grounded upon Collections and Interpretations of my own. But herein if I am deceived, I ſhall however have the excuſe to have been drawn into that errour, by the examples that are left us by the greateſt and moſt vertuous, and the opinions of the wiſeſt and graveſt men, that have left their memories to poſteri y. Out of the great plenty of Confirmations, I could bring for this Opinion, from Examples and Authorities; I ſhall ſelect a very few: for manifeſt Truths have not need of thoſe Supports; and I have as little minde to tire my ſelf as my Reader.

de in Bel. lib. 1. c. 4.

Luc. *lib. 2.*

First therefore a Uſurper that by onely force poſſeſſeth himſelf of Government, and by Force only keeps it, is yet in the State of War with every man, ſays the learned *Grotius*: and therefore every thing is lawful againſt him that is lawful againſt an open Enemy, whom every private man hath a right to kill. *Hoſtis hoſtem occidere volui*, ſays *Scævola* to *Porſena*; when he was taken, after he had failed in his attempt to kill him; I am an Enemy, and an Enemy I would have kil'd, which every man hath a right to do.

Pro milone.

Plut. *in Solon.*

Contra publicos hoſtes, & Majeſtatis Reos, omnis homo miles eſt (ſays *Tertullian*,) Againſt Common Enemies, and thoſe that are Traitors to the Commonwealth, every man is a Souldier. This opinion the moſt Celebrated Nations have approved both by their Laws and Practiſes. The Grecian (as *Zenophon* tells us) who ſuffered not Murderers to come into their Temples, in thoſe very Temples they erected Statues to thoſe that kil'd Tyrants, thinking it fit to place their Deliverers amongſt their Gods. *Cicero* was an Eye-witneſs of the Honours that were done ſuch men, *Græci homines*, &c. The *Greeks* (ſaith he) attribute the honours of the Gods to thoſe that kil'd Tyrants: What have I ſeen in *Athens*, and other Cities of *Greece*! What Religion paid to ſuch men! What Songs! What Elogies! By which they are Conſecrated to Immortality, and almoſt Deified! In *Athens*, by *Solon*'s Law, Death was not onely decree'd for the Tyrant that oppreſt the State, but for all thoſe that took any Charge, (*a*) or did bear any Office while the Tyranny remained. And *Plato* tells us the ordinary Courſe they took with Tyrants in *Greece*. If (ſays he) the Tyrant cannot be expuls'd by Accuſing him to the Citizens, then by ſecret practiſes they diſpatch him.

(*a*) Let his Highneſs Junto marke this.

De Repub. lib. 8.

In Publici.

Amongſt the *Romans* the *Valerian* Law was, *Si quis injuſſu populi, &c.* Whoſoever took Magiſtracy upon him, without the Command of the people, it was lawful for any man to kill him. *Plutarch* makes this Law more Severe, *ut Injudicatum occidere cum liceret, Quæ Dominatum concupiſceret.* That it was lawful by that Law, before any Judgement paſt, to kill him that but Aſpi-

ed to Tyranny. Likewiſe the Conſular Law which was made after the ſuppreſſion of the Ty-
anny of the Decemvirate, made it lawful to kill any man that went about to create Magiſtrates,
ine provocatione, &c. Without reference and appeal to the people. By theſe Laws and innumera-
ble Teſtimonies of Authors, it appears; that the *Romans* with the reſt of their Philoſophy, had
earned from the *Grecians* what was the Natural Remedy againſt a Tyrant: Nor did they ho-
or thoſe leſs that durſt apply it. Who as *Polybius* ſays (ſpeaking of Conſpiracies againſt Tyrants)
were not, *Deterrimi civium, ſed Generoſiſſimi Quique, & Maximi Animi*; not the worſt and meaneſt
f the Citizens, but the moſt Generous, and thoſe of greateſt vertue. So were moſt of thoſe that
onſpired againſt *Julius Cæſar*. He himſelf thought *Brutus* worthy to ſucceed him in the Em-
f the World: And *Cicero*, who had the Title of *Pater Patriæ*; if he were not conſcious of the de-
ign; Yet he at leaſt affected the honour of being thought ſo. *Quæ enim Res unquam*, &c. What
& (ſays he) O *Jupiter* more glorious! more worthy of Eternal Memory, hath been done not
nely in this City, but in the whole world! In this deſign, as the *Trojan* Horſe, I willingly ſuffer
ny ſelf to be included with the Princes. In the ſame place he tells us, what all vertuous *Romans*
hought of the Fact aſwel as he. *Omnes Boni, Quantum in ipſis fuit, Cæſarem occiderunt; alii conſili-
um, aliis animus, aliis occaſio defuit, Voluntas nemini*; All good men (ſaith he) as much as in them
ay killed *Cæſar*: Some wanted Capacity, ſome Courage, others opportunity; but none the will
o do it. But yet we have not declared the extent of their ſeverity againſt a Tyrant. They expoſed
im to Fraud, as well as Force, and left him no ſecurity in Oaths and Compacts; that neither
Law nor Religion might defend him, that violated both. *Cum Tyranno Romanis nulla fides, nulla
uris jurandi Religio*, ſaith *Brutus* in *Appian*: With a Tyrant the *Romans* think no Faith to be
ept, obſerve no Religion of an Oath. *Seneca* gives the Reaſon; *Quia quicquid erat, quo mihi
obæreret*, &c. For what ever there was of mutual obligation betwixt us; his deſtroying the Laws
of Humane Society, hath diſſolv'd: ſo theſe that thought that there was in *hoſtem neſas*, that a
villany might be committed againſt an Enemy: Theſe that profeſt, *non minus juſtè quàm fortiter
rma gerere*, to manage their Arms with Juſtice as well as Courage: Theſe that thought Faith
was to be kept even with the perfidious, (b) yet they thought a Tyrant could receive no Inju-
ſtice, but to be let live; and that the moſt lawful way to deſtroy him, was the readieſt. No mat-
er whether by force or fraud; for againſt Beaſts of Prey, men uſe the ſnyl and the Net, as well
s the Spear and the Lance. But ſo great was their deteſtation of a Tyrant, that it made ſome
ake their Opinions from their Paſſions; and vent things which they could but ill juſtifie to their
Morality, they thought a Tyrant had ſo abſolutely forfeited all Title to Humanity, and all kind
of Protection they could give him or his: that they left his wife without any other Guard for
her Chaſtity, but Age and Deformity; and thought it not Adultery what was committed with
her. Many more Teſtimonies might I bring; for 'tis harder to make choice, than to find plenty.
But I ſhall conclude with Authorities that are much more Authentique; and Examples, which
we ma much more ſafely imitate.

The Law of God it ſelf decreed certain (c) death to that man that would do preſumptuouſly,
and ſubmit to no Deciſion of Juſtice. Who can reade this, and think a Tyrant ought to Live? But
certainly neither that, nor any other Law were to any effect, if there were no way to put it in exe-
cution. But in a Tyrants Caſe, Proceſs and Citation have no place; and if we will onely have
Formal Remedies againſt him, we are ſure to have none. There's ſmall hope of Juſtice, where the
Malefactor hath a power to condemn the Judge.

All remedy therefore againſt a Tyrant is *Ehud*'s Dagger; without which, all our Laws were
fruitleſs, and we helpleſs. This is that High Court of Juſtice where *Moſes* brought the *Egyptian*:
whither *Ehud* brought *Eglon*; *Samſon*, the *Philiſtins*; *Samuel*, *Agag*; and *Jehojada*, the She-Ty-
rant *Athaliah*.

Let us a little conſider in particular theſe ſeveral Examples, and ſee whether they may be pro-
portioned to our purpoſe.

Firſt, as to the Caſe of *Moſes* and the *Egyptian*; certainly every *Engliſh*-man hath as much
Call as *Moſes*, and more cauſe then he, to ſlay this *Egyptian* that is always laying on burdens, and
always ſmiting both our brethren and our ſelves. For as to his Call, he had no other that we
read of, but the neceſſity his brother ſtood in of his help. He look't on his brethrens burdens, and
ſaw an *Egyptian* ſmiting an *Hebrew*, knowing he was out of the reach of all other kind of Ju-
ſtice, he ſlew him.

Certainly this was, and is as lawful for any man to do, as it was for *Moſes*, who was then but a
private man, and had no Authority for what he did, but what the Law of Nature gives every
man; to oppoſe Force to Force, and to make Juſtice where he finds none. As to the Cauſe of that
action, we have much more to ſay then *Moſes* had: He ſaw one *Hebrew* ſmitten, we many *Eng-*

Phil. 3.

Eſa. (b) 6.

Appian. lib. 7. de Bell.

Sin.

Id.

(b) Saul of Regulus Quis unquam ſemper fama &c. Sence. in ejus. 4. 7. Mic. Epheſ. on 5. Nich.

(c) Utique mercatur ille Deus. 17. 13.

Exod. 2. 11, 12.

(a) *Vid. Et. Governador Christiano. c. 8. p. 40. Qualquiera ciudadano me de repeter la fuerça &c.*

lish men murdered; He saw his brethrens burdens, and their blows; We, our Brethrens burdens, imprisonments, and deaths. Now sure if it were lawful for *Moses* to kill that *Egyptian* that oppress one man, being there was no way to procure an ordinary course of Justice against him: It cannot be but absurd to think it unlawful to kill him (*a*) that oppresses a whole Nation, and one that Justice as little reaches as it defends.

Judg. c. 3. v. 11, 19, 20.

The example of *Ehud* shews us the natural and almost the onely remedy against a Tyrant, and the way to free an oppress people from the slavery of an insulting *Moabite*, 'tis done by prayers and tears, with the help of a Dagger, by (*b*) crying to the Lord, and the left hand of an *Ehud*. Devotion and action go well together; for believe it, a Tyrant is not of that kind of Devil that is to be cast out by onely Fasting and Prayer. And here the Scripture shews us what the Lord thought a fit Message to send a Tyrant from himself: A Dagger of a Cubit in his belly, and every worthy man that desires to be an *Ehud*, a Deliverer of his Countrey, will strive to be the Messenger.

V. 15.

We may here likewise observe in this, and many places of *Judges*, that when the *Israelites* fell to Idolatry, which of all sins certainly is one of the greatest; God Almighty to proport on the punishment and the offence, still delivered them into the hands of Tyrants; which sure is one of the greatest of all Plagues.

V. 20.

Judg. 15.

In the story of *Samson* 'tis manifest, that the denying him his wife, and after the burning her, and her Father, which though they were great, yet were but private injuries, he took for sufficient grounds to make war upon the *Philistins*, being himself but a private man, and not onely not assisted, but opposed by his servile Countreymen. He knew what the Law of Nature allowed him, where other Laws have no place, and thought it a sufficient Justification for smiting the *Philistins* hip and thigh, to answer for himself, that as they did unto him, so had he done unto them.

V. 11.

Now that which was lawful for *Samson* to do against many Oppressours, why is it unlawful for us to do against one? Are our injuries less? Our Friends and Relations are daily murdered before our faces. Have we other ways for reparation? Let them be named, and I am silenc'd. But if we have none, the Fire-brands, or the Jaw-bone, the first Weapons our just Fury can lay hold on, may certainly be lawfully employed against that uncircumcised *Philistin* that oppresses us. We have too the opposition and discouragements that *Samson* had, and therefore have the more need of his courage and resolution. As he had the men of *Judah*, so we have the men of *Levi*, crying to us out of the Pulpit, as from the top of the Rock *Etam*, Know you not that the Philistin is a Ruler over you? The truth is, they would fain make him so, and bind us with *Samson* in new Cords; but we hope they will become as Flax, and that they will either loose from our hands, or we shall have the Courage to cut them.

V. 14.

Upon the same grounds of Retaliation did *Samuel* do justice with his own hand upon the Tyrant *Agag*. As thy Sword (says the Prophet) hath made women childless, so shall thy Mother be childless amongst women; nor is there any Law more natural and more just.

2 Sam. 15. 23.

How many Mothers has our *Agag*, for his own ambition, made childless? how many Children Fatherless? how many have this reason to hew this *Amalakite* in pieces before the Lord? And let his own Relations, and all theirs that are Confederates with him, beware, lest men come at last to revenge their own Relations in them. They make many a woman husbandless, many a Father childless. Their wives may come at last to know what 'tis to want a husband, and themselves to lose their children. Let them remember, what their great Apostle Machiavel tels them; that in contestations for the preserving their Liberty, People many times use moderation; but when they come to vindicate it, their rigour exceeds all mean, like beasts that have bin kept up & are afterwards let loose, they always are more fierce and cruel. To conclude with the example *Jehojada* hath left us; 6 years he hid the right Heir of the Crown in the house of the Lord, & without all doubt, amongst the rest of Gods services there he was all that time contriving the destruction of the Tyrant, that had aspired to the Crown by the destruction of those that had the right to it. *Jehojada* had no pretence to authorize this action, but the Equity and Justice of the act itself. He pretended no immediate command from God for what he did, nor any authority from the Sanctrin, and therefore any man might have done what *Jehojada* did as lawfully, that could have done it as effectually. Now what citation was given to *Athaliah*, what appearance was she cal'd to before any Court of Justice, her fact was her trial she was without any expostulation taken forth of the Ranges, and onely let live, till she got out of the Temple, that that Holy Place might not be defiled by the blood of a Tyrant, which was fitter to be shed on a dung-hill, and so they slew her at the Horse-gate. And by the King's house, the very White-hall, where she had caused the Blood-Royal to be spilt, and which her self had so long unjustly possest; there by Providence [illegible] she receive her punishment, where she had acted so great a part of her crimes. How the people [illegible] [illegible] destroying a Tyrant, this Chapter tells us at the last v.

In Discors.

2 King. 11.

2 Chron. 23.

2 Chron. 23. 14.

And all the people of the Land rejoyced, and the City was quiet, after they had slain *Athaliah* with the sword. And that it may appear they no less honoured the Authors of such actions, then other Nations did; as in his life-time they obeyed *Jehoiada* as a King, so after his death, for the good he had done in *Israel* (saith the Scripture) they buried him amongst the Kings. 2 Chron. 23. 14. 2 Chron. 34. 16.

I must not conclude this story without observing that *Jehojada* commanded, that whosoever followed *Athaliah* should be put to death. Letting us see what they deserve that are Confederates with Tyrants and will side with them, and but appear to defend them, or allow them, his Highness his Councel, his Junto, and the Agaes of his Janizaries, may, if they please, take notice of this, and repent, least they likewise perish. And likewise his Highness his Chaplains, and Tryers, who are to admit none into the Ministry that will preach liberty with the Gospel; may, if they think fit, observe, that with the Tyrant fell *Mattan* the Priest of *Baal*. And indeed none but *Baals*-Priests will preach for Tyrants. And certainly those Priests that Sacrifice to our Baal, our Idol of a Magistrate, deserves as well to be hang'd before their Pulpits, as ever *Mattan* did to fall before his Altars. *Mr.* Sindercomb's *Judge and Jury may likewise consider of this point.*

I should think now I had said much more then enough to the second question, and should come to the third and last I proposed in my Method; but I meet with two Objections lying in my way: The first is, That these examples out of Scripture, are of men that were Inspired of God, and that therefore they had that Call and Authority for their Actions, which we cannot pretend to, so that it would be unsafe for us to draw their actions into examples, except we had likewise their Justifications to alledg. 2 Chron. 23. 17. *Object.* 1.

The other Objection is, that there being now no opposition made to the Government of his Highness, that the people following their callings, and trafficque, at home and abroad, making use of the laws, & appealing to his Highnes courts of justice: That all this argues the peoples tacit consent to the Government; and that therefore now tis to be reputed lawful, and the peoples obedience voluntary. *Object.* 2.

To the first I answer with learned *Milton*, that if God commanded these things, 'tis a sign they were lawful and are commendable. But secondly, as I observed in the Relations of the examples themselves; Neither *Sampson* nor *Samuel* alledged any other cause or reason for what they did, but retaliation, and the apparent justice of the actions themselves. Nor had God appeared to *Moses* in the Bush when he slew the *Egyptian*; nor did *Jehajada* alledg any Prophetical Authority or other Call to do what he did, but that common Call which all men have, to do all actions of Justice that are within their power, when the ordinary course of Justice ceases. *Sol.* 1.

To the second my answer is, that if commerce and pleadings were enough to Argue the people's consent, and give Tyrannie the name of Government, there was never yet any Tyrannie of many weeks standing in this world. Certainly, we then extreamly wrong *Caligula* and *Nero* in calling them Tyrants, and they were Rebels that conspired against them; except we will believe, that all the while they reign'd in *Rome*, they kept their shops shut, and opened not their Temples, or their Courts. We are likewise with no lesse absurdity to imagine, that the whole 18 years time which Israel served *Eglon*, and 6 years that *Athaliah* reigned, that the Israelites quite desisted from traffique, pleadings and all publique acts: otherwise *Ehud* and *Jehoiada* were both Traytors, the one for killing his King, the other his Queen. *Sol.* 2.

Having shewed what a Tyrant is, his Marks and Practises; I can scarce perswade my self to say any thing to that I made my third Question, Whether the Removing him is like to prove of Advantage to the Common-wealth or not? for methinks 'tis to enquire whether 'tis better the man die, or the Imposthume be lanch'd, or the Gangræn'd limb be cut off? But yet there be some, whose Cowardice and Avarice furnish them with some Arguments to the contrary; and they would fayn make the world believe, that to be base and degenerate, is to be Cautious and prudent: and what is in truth a servile fear, they falsly call a Christian patience. It will not be therefore amiss, to make appear, that there is indeed that necessity, which we think there is, of saving the Vineyard of the Common-wealth, if possible, by destroying the wild Boar that is broke into it. We have already shewed, that it is lawful; and now we shall see, whether it is expedient. First I have already told you, That to be under a Tyrant, is not to be a Common-wealth, but a great Family, consisting of Master and Slaves. *Vir bone servorum nulla est usquam civitas*, sayes an old Poet, A number of Slaves makes uot a City. So that whilest this Monster lives, we are not members of a Common-wealth, but only his living tools and Instruments, which he may employ to what use he pleases. *Servi tua est fortuna, Ratio ad te nihil*, sayes another; Thy condition is a Slaves; thou art not to enquire a Reason, nor must we think we can continue long in the condition of slaves, and not degenerate into the habits and temper that is natural to that condition: our minds will grow low with our fortune; and by being accustomed to live like slaves, we shall become unfit to be any thing Else, *Etiam fera animalia si clausa teneas virtutis obliviscuntur*, sayes *Tacitus* (a) the fiercest creatures *by long constraint, lose their courage.* And sayes Sir *Francis Bacon*, the blessing of *Issachar* and [illegible] crouching under Burdens and to have [illegible] *Third Question.*

rit of Lyons. And with their courage 'tis no wonder if they loſe their fortune as the Effect with the cauſe, and Act as Ignominiouſly abroad, as they ſuffer at home. 'Tis *Machiavel's* (*b*) obſervation, That the *Roman* Armies that were alwayes victorious under Conſuls, All the while they were under the ſlavery of the Decemviri never proſpered. And certainly people, have Reaſon to fight but faintly, where they are to gain the victory againſt themſelves; when every ſucceſs ſhall be a confirmation of their ſlavery, and a new linck to their chain.

(*b*) *Diſcor. l.* 1. *c.* 34.

But we ſhall not only loſe our Courage which is a uſeleſs and an unſafe vertue under a Tyrant, but by degrees we ſhall, after the example of our Maſter, All turn perfidious, Deceitful, Irreligious, flatterers, and what ever elſe is villanous and Infamous in Mankind. See but to what a degree we are come to already. Can there any Oath be found ſo fortified by all Religious Tyes; which we eaſily find not a Diſtinction to break, when either Profit or Danger perſwades us to it? Do we Remember any Engagements? or if we do, have we any ſhame to break them? Can any Man think with patience upon what we have profeſt, when he ſees what we Vilely do, and Tamely Suffer? What have we of Nobility amongſt us but the name, the luxury and the vices of it? poor wretches, theſe that now carry that title, are ſo far from having any of the vertues, that ſhould grace, and indeed give them their titles, that they have not ſo much as the generous vices that attend greatneſs, they have loſt all Ambition and Indignation. As for our Miniſters, what have they, or indeed deſire they, of their Calling, but the Tythes? How do theſe horrid prevaricators ſearch for diſtinctions to peece contrary Oaths? How do they Rake Scriptures for flatteries? And Impudently Apply them to his monſtrous Highneſs? what is the City but a Great Tame Beaſt, that eats and Carries, and cares not who Rides it? What's the thing call'd a Parliament but a Mock? Compoſed of a people that are only ſuffered to ſit there, becauſe they are known to have no vertue, After the Excluſion of all others that were but ſuſpected to have any? What are they but pimps of Tyranny, who are only Imployed to draw In the people to proſtitute their Liberty? What will not the Army fight for? What will they not fight againſt! What are they but Janizaries, ſlaves themſelves; and making all others ſo? what are the people in general but Knaves, Fools, and Cowards; principled for Eaſe, Vice and Slavery? This our temper, his Tyranny hath brought us to already; and if it continues, the little vertue that is yet left to ſtock the Nation, muſt totally extinguiſh, and then his Highneſs hath compleated his work of Reformation. And the truth is, till then his Highneſs cannot be ſecure. He muſt not endure vertue, for that will not endure him: He that will maintain Tyranny, muſt kill *Brutus*, ſayes *Machiavell*. A Tyrant, ſayes *Plato*, (*c*) muſt diſpatch all vertuous perſons, or he cannot be ſafe; (*f*) ſo that he is brought to that unhappy neceſſity, either to live among Baſe and wicked perſons, or not to live at all.

Dr. Locker. Dr. Owen. Mr. Jenkins, &c.

(*c*) *Diſt. l.* 3. *cap.* 3.

(*f*) *De Repub. lib.* 8.

Nor muſt we expect any Cure from our patience, *Inganno ſi gli huomini*, ſayes *Machiavel*, (*a*) *credendo con la humilità vincere la ſuperbia*. Men deceive themſelves, that think to mollifie Arrogancy with humility; a Tyrant's never modeſt but when he's weak; 'tis in the winter of his fortune when this Serpent bites not: we muſt not therefore ſuffer our ſelves to be couzened hopes of his amendment: for *Nemo unquam* (*d*) *Imperium flagitio quæſitum, bonis artibus excuit*; Never did any man manage that Government with Juſtice, that got it by Villany. The longer the Tyrant lives, the more the Tyrannical humour increaſes in him, ſayes *Plato*, (*e*) like Beaſts that grow more cruſt as they grow old. New occaſions daily happen, that need new miſchiefs, and he muſt defend one Villany with another.

(*a*) *Diſc. lib.* 2. *cap.* 14.

(*d*) *Tacit. Hiſt. lib.* 1.

(*e*) *de Repub. lib.* 9.

But ſuppoſe the contrary of all this, and that his Highneſs were *vi Dominationis mutatus*, changed to the better by great fortune, (of which he yet gives no ſymptome withſtanding could be more miſerable, than to have no other ſecurity for our liberty for our ſafety, than the will of a man; though the moſt juſt living? we have all our and whoſoever (ſayes *Ariſtotle*) (*f*) is governed by a man without a Law, is governed by a beaſt. *Etiam ſi non ſit moleſtus* (*a*) *Dominus*; *tamen eſt miſerrimum poſſe ſi* Though a Maſter does not Tyrannize, yet 'tis a miſerable thing that 'tis in his power will. If he be good, ſo was *Nero* for five years, and how ſhall we be ſecure that he Beſides, the power that is allowed to a good man, we may be ſure will be claimed ill. And therefore it hath been the cuſtome of good Princes, (*b*) to abridge their may be diſtruſting themſelves, but certainly fearing their Succeſſours, to the charvertuous, they would not hazard the welfare of their people. An unlimited be truſted to none; which if it does not find a Tyrant, commonly makes deſtiny, 'tis no argument that others will; and therefore *Auguſtus Cæſar* given him, then you would have *Tiberius* take. And (*c*) *Cicero's* modern a conſideration, That there are others to be Conſuls as well as he.

(*f*) *Pol. l.* 3. *cap.* 11.

(*b*) *Lycurgus. Theopomp. Plut. in Lycurg.*

(*c*) *Vid. Orat. Cæſaris in*

to reſcue the honour, the vertue and liberty of our Nation, I ſhall anſwer to ſome few Objections that have occurred to me. This I ſhall do very briefly.

Some I find of a ſtrange Opinion, That it were a generous and a noble action to kill his Highneſs in the field; but to do it privately they think it unlawful, but know not why. As if it were not generous to apprehend a Theef, till his ſword were drawn, and he in a poſture to defend himſelf and kill me. But theſe people do not conſider, that whoſoever is poſſeſt of power any time, will be ſure to engage ſo many either in guilt or profit, or both, that to go about to throw him out by open force, will very much hazard the total ruine of the Common-wealth. A Tyrant is a Devill that tears the body in the exorciſing; and they are all of *Caligula*'s temper, That if they could, they would have the whole frame of Nature fall with them. 'Tis an opinion that deſerves no other refutation, then the manifeſt abſurdity of it ſelf; that it ſhould be lawful for me to deſtroy a Tyrant with hazard, blood, and confuſion, but not without. *Sueton. in vit. Calig.*

Another Objection, and more common, is, the fear of what may ſucceed if his Highneſs were removed. One would think the World were bewitched. I am fallen into a ditch, where I ſhall certainly periſh if I lye, but I refuſe to be helpt out for fear of falling into another; I ſuffer a certain miſery for fear of a contingent one, and let the diſeaſe kill me, becauſe there is hazard in the cure. Is not this that ridiculous policy, *Ne moriare, mori*; To die for fear of dying. Sure, 'tis frenzy not to deſire a Change, when we are ſure we cannot be worſe; *Et non incurrere in periculo, ubi quieſcenti paria metuuntur*, and not then to hazard, when the danger and the miſchiefs are the ſame in lying ſtill. *Seneca.*

Hitherto I have ſpoken in general to all Engliſh-men; Now I addreſs my diſcourſe particularly to thoſe that certainly beſt deſerve that name, Our Selves, that have fought, however unfortunately, for our Liberties under this Tyrant; and in the end couzened by his Oaths and Tears, have purchaſed nothing but our ſlavery with the price of our blood. To us particularly it belongs to bring this Monſter to Juſtice, whom he hath made the Inſtruments of his Villany, and ſharers in the Curſe and Deteſtation that is due to himſelf from all good men. Others onely have their Liberty to vindicate; We, our Liberty and our Honour. We engaged to the People with him, and to the People for him, and from our hands they may juſtly expect a ſatisfaction of puniſhment, being they cannot have that of performance. What the People at preſent endure, and Poſterity ſhall ſuffer, will be all laid at our doors: for onely We under God have the power to pull down this Dagon which we have ſet up. And if we do it not, all Mankind will repute us Approvers of all the Villanies he hath done; and Authors of all to come. Shall we that would not endure a King attempting Tyranny, ſhall we ſuffer a profeſt Tyrant? We that reſiſted the Lyon aſſailing us, ſhall we ſubmit to the Woolf tearing us? If there be no remedy to be found, we have great reaſon to exclaim; *utinam te potius* (Carole) *retinuiſſemus quam hunc habuiſſemus, non quod ulla ſit optanda ſervitus, ſed quod ex Dignitate Domini minus turpis eſt conditio ſervi*; We wiſh we had rather endured thee (O *Charles*) then have been condemned to this mean Tyrant; not that we deſire any kind of ſlavery, but that the Quality of the Maſter ſomething graces the condition of the ſlave. *Cic. in Epiſt. ad Octav.*

But if we conſider it rightly what our Duty, our Engagements, and our Honour exact from us, both our Safety and our Intereſt oblige us to, And 'tis as unanſwerable, in us, to diſcretion, as 'tis to vertue, to let this Viper live. For firſt he knowes very well, 'tis onely we that have the power to hurt him, and therefore of us he will take any courſe to ſecure himſelf: he is conſcious to himſelf how falſly and perfidiouſly he hath dealt with us, and therefore he will alwayes fear that from our revenge, which he knowes he hath ſo well deſerved.

Laſtly, he knowes our Principles, how directly contrary they are to that Arbitrary power he muſt govern by, and therefore he may reaſonably ſuſpect, that we that have already ventured our lives againſt Tyranny, will alwayes have the Will, when we have the opportunity, to do the ſame again.

Theſe Conſiderations will eaſily perſwade him to ſecure himſelf of us, if we prevent him not, and ſecure our ſelves of him. He reads in his Practiſe of Piety, (*a*) *chi divitne Patron*, &c. He that makes himſelf maſter of a City, that hath been accuſtomed to Liberty, if he deſtroyes it not, he muſt expect to be deſtroyed by it. And we may read too in the ſame Authour, and believe him, that (*b*) thoſe that are the occaſion that one becomes powerful; alwayes ruines them, if they want the Wit and Courage to ſecure themſelves. (*a*) *Mach. Pr. c. 5.* (*b*) *Ibid. c. 3.*

Now as to our Intereſt, we muſt never expect that he will ever truſt thoſe, that he hath provoked and feared: He will be ſure to keep us down, leſt we ſhould pluck down him. 'Tis the Rule *tas Tyrants obſerve*, when they are in power, never to make much uſe of thoſe that helpt them to it,

it, and indeed 'tis their Intereſt and ſecurity not to do it: for thoſe that have been the authors of their greatneſs being conſcious of their own merit, they are bold with the Tyrant, and leſſe induſtrious to pleaſe him. They think all he can do for them is their due, and ſtill they expect more: and when they fail in their expectations, (as 'tis impoſſible to ſatisfie them) their diſappointment makes them diſcontented, and their diſcontents dangerous. Therefore all Tyrants follow the example of *Dionyſius*, who was ſaid to uſe his friends, as he did his Battles, when he had uſe for them, he kept them by him; when he had none, that they ſhould not trouble him and lie in his way, he hung them up.

But to conclude this already over-long Paper, let every man to whom God hath given the Spirit of Wiſdome and Courage, be perſwaded by his Honour, his Safety, his own Good and his Countries, and indeed the duty he owes to his Generation, and to Mankind, to endeavour by all Rational means to free the World of this Peſt. Let not other Nations have the occaſion to think ſo meanly of us, as if we reſolved to ſit ſtill and have our Ears bored: or that any diſcouragement or diſappointments can ever make us deſiſt from attempting our Liberty, till we have purchaſed it, either by this Monſter's death, or by our own. Our Nation is not yet ſo barren of vertue, that we want noble examples to follow amongſt our ſelves. The brave *Sindercombe* hath ſhewed as great a mind, as any old *Rome* could boaſt of; and had he lived there, his name had been regiſtred with *Brutus*, and *Cato*; and he had had his Statues as well as they.

But I will not have ſo ſiniſter an opinion of our ſelves (as little Generoſity as Slavery hath left us) as to think ſo great a vertue can want its Monuments even amongſt us. Certainly, in every vertuous Mind there are Statues rear'd to *Sindercombe*. When ever we read the Elogies of thoſe that have dyed for their Country; when we admire thoſe great Examples of magnanimity, that have tired Tyrants cruelties: When we extoll their conſtancy; whom neither bribes nor terrours could make betray their Friends: 'Tis then we erect *Sindercombe* Statues, and grave him Monument: Where all that can be ſaid of a great and noble mind, we juſtly make an Epitaph for him. And though the Tyrant cauſed him to be Smothered, leſt the people ſhould hinder an open Murder, yet he will never be able either to ſmother his memory, or his own Villany. His Poiſon was but a poor and common devjce to impoſe only on thoſe that underſtood not Tyrants practiſes, and are unacquainted (if any be) with his cruelties and falſhoods. He may therefore if he pleaſe, take away the Stake from *Sindercomb*'s Grave; and if he have a mind it ſhould be known how he dyed, let him ſend thither the Pillowes and Feather-bedds with which *Barkſtead* and his Hangman ſmothered him. But to conclude, Let not this Monſter think himſelf the more ſecure, that he hath ſuppreſt one great Spirit, (*a*) he may be confident, that *Longus poſt illum ſequitur ordo idem petentium decus.*

(*a*) *And what may* Cicil *and* Toop *expect for their Treachery and Perjury?*

There's a great Rowl behind, even of thoſe that are in his own Muſter-Rolls, that are ambitious of the Name of the Deliverers of their Countrey: and they know what the Action is that will purchaſe it. His Bed, his Table is not ſecure; and he ſtands in need of other Guards to defend him againſt his own. Death and deſtruction purſues him whereſoever he goes: they follow him every where, like his fellow-travellers, and at laſt they will come upon him like armed men. Darkneſs is hid in his ſecret places, a Fire not blown ſhall conſume him; it ſhall go ill with him that is left in his Tabernacle. He ſhall flee from the Iron weapon, and a bow of Steel ſhall ſtrike him through. Becauſe he hath oppreſſed, and forſaken the poor; becauſe he hath violently taken away a Houſe (*a*) which he builded not: We may be confident, and ſo may he, that ere long, all this will be accompliſht: For the Triumphing of the wicked is but ſhort, and the joy of the Hypocrite but for a moment. Though his Excellency (*b*) mount up to the Heavens, and his Head reacheth unto the Clouds, yet he ſhall periſh for ever like his own dung. They that have ſeen Him, ſhall ſay, Where is He?

Job 20.

White-Hall. Hampton-Court, &c.

V. 5.

(*b*) *He hath now left that Title for Highneſs; and will ſhortly leave that for King.*

To

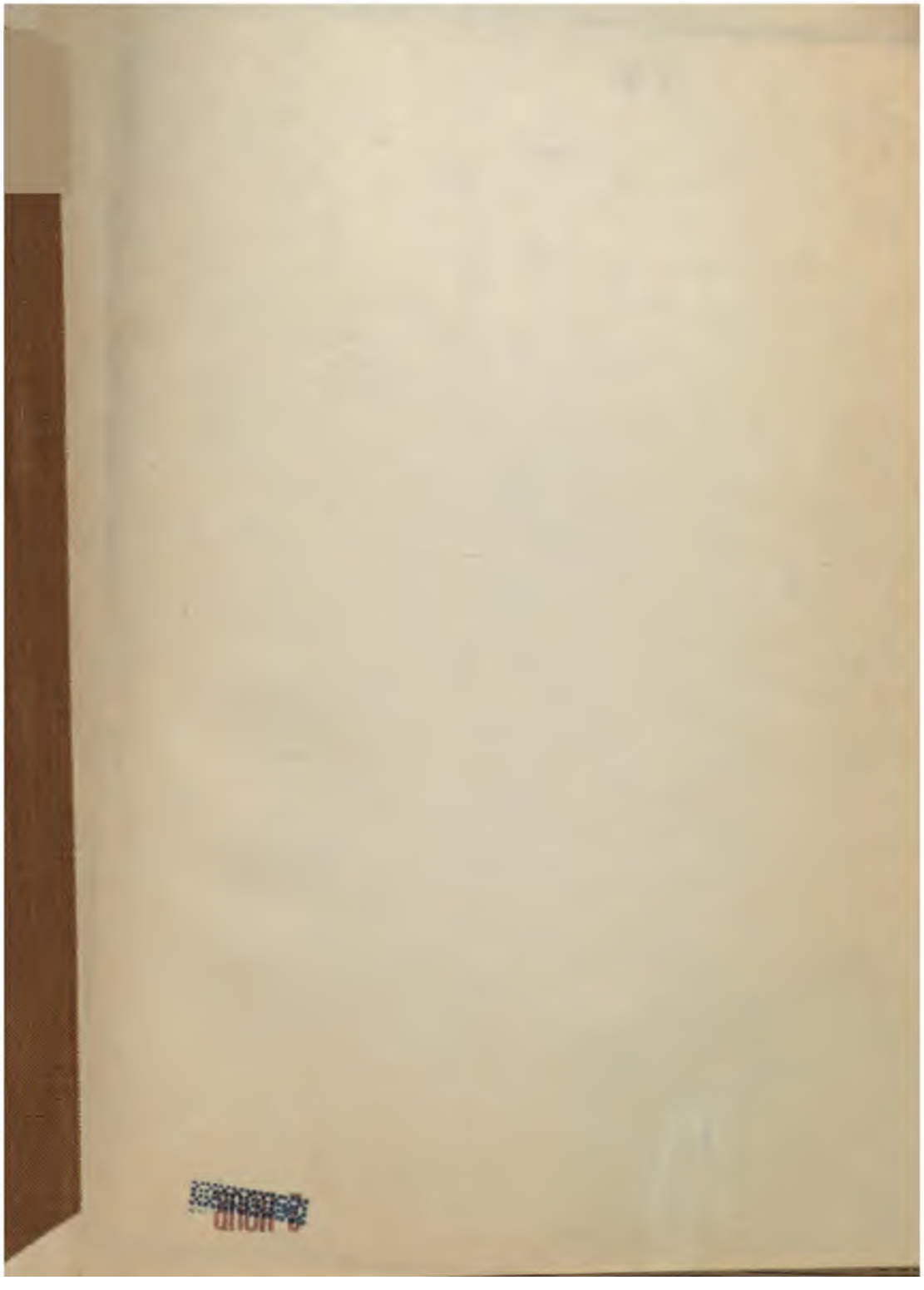
To all Officers and Souldiers of the Army, that remember their Engagements, and dare be honeſt.

I Heartily wiſh for Englands ſake, that your number may be far greater then I fear it is; and that his Highneſs his frequent purgations may have left any amongſt you, that by theſe Characters are concern'd in this Dedication. That I and all men have reaſon to make this a doubt, your own actions, as well as your tame ſufferings do but too plainly manifeſt. For you that were the Champions of our Liberty, and to that purpoſe were raiſed, are not you become the inſtruments of our ſlavery? and your hands that the people employ'd to take off the yoak from off our necks, are not thoſe very hands they that now put it on? Do you remember that you were raiſed to defend the Priviledges of Parliament, and have ſworn to do it; and will you be employed to force Elections, and diſſolve Parliaments, becauſe they will not eſtabliſh the Tyrants iniquity, and our ſlavery by a Law? I beſeech you think upon what you have promiſed and what you do, and give not Poſterity as well as your own Generation, the occaſion to mention you with infamie, and to curſe that unfortunate valour, and ſucceſs of yours, that onely hath gained victories (as you uſe them) againſt the Common wealth. Could ever England have thought to have ſeen that Army that was never mentioned without the titles of Religious, Zealous, Faithful, Courgious, the fence of her liberty at home, the Terrour of her enemies abroad; Become her Gaolers? not her Guard, but her oppreſſors? not her Souldiers, but a Tyrants Executioners, drawing to blocks and gibbets all that dare be honeſter then themſelves? This you do; and this you are; nor can you ever redeem your own honour, the truſt and love of your Country, the eſtimation of brave men, or the prayers of good; If you let not ſpeedily the World ſee you have been deceived; which they will onely then believe, when they ſee your vengeance upon his faithleſs head that did it. This if you defer too long to do, you will find too late to attempt, and your Repentance will neither vindicate you, nor help us. To let you ſee you may do this as a lawful action, and to perſwade you to it as a Glorious one, is the principal intent of this following Paper: Which, whatever effects it hath upon you, I ſhall not abſolutely fail of my ends; for if it excites not your vertue and courage, it will yet exprobrate your cowardice and baſeneſs. This is from one that was once one amongſt you, and will be ſo again when you dare be ſo as you were.

AN APPENDIX.

WHat is here treated of, appeareth to be lawful; there are not a few Examples, that it hath been followed amongſt the *Romans*; the greateſt part of their Emperours fell by the hands of private men: Some of them rather then they would fall by a private hand, or publick hand of Juſtice, did follow the Counſel here preſcribed the late Tyrant, that is, to free others from the trouble of hanging him according to his deſert, by killing himſelf; as *Nero* and others did before him by poyſons and other means. The Advice is good, for none that ever attained to that Eſtate of Dignity, or Villany, but their Imaginations were ſcrued up to the deeming themſelvs to be reckoned amongſt the Immortal Gods: Men of leſs Dignity, though of much better mind, muſt not claim that acquaintance of the Gods, as theſe Wolves and Panthers. *Nero* muſt be deified 3 days before he was condemned to be whipt to death like a Rogue: All men deſire rather to appear to be what they ſhould be, than what they are. Their Commands are of Divine Stamp: The preſervation of themſelves is reckoned at a higher rate then the preſervation of the people. They can perſwade themſelves no otherwiſe, but their dignity is beſtowed upon them out of ſingular love from above; and that all inferiour to them are given to be vaſſals; and that they ſhould hold Liberty and Eſtates, by no other Tenure than that of Courteſie: If it were profitable for the Tyrant to take all three from all, as well as one or all from ſome, he would do it: But he will not do that, becauſe he muſt preſerve them, or at leaſt ſo many that by [illegible] thoſe whom he deſtroyeth, are always the beſt of men. The Tyrant that is

the Subject of this Discourse, since none would put in execution what is here urged; nor yet the Army, who should have delivered him to Justice, and made him a famous Example to all ages; God, by his Divine Hand of Justice, did deliver this poor Captivated Nation from under his hand: His death was not a death like unto other men; though some would have it so: Not one drop of bloud was found in his Heart, who had delighted to drink so much innocent bloud, as he did, of many persons who were trapann'd by his Sycophants, who contrived the Plots, & drew in those persons, whose late sufferings prepared them, and made them apt matter for the receiving any thing propounded, that had the least savour of Revenge, as Tinder to receive fire. These Sycophants afterwards became the discoverers of the Plots, and the Witnesses themselves; and the Army, standing by as aiders and abettors of those horrid inhumanities, of which the Army have (in part) repented; There remaineth yet of their Repentance, Newness of Life, that is, Never more to be instrumental in aiding a Tyranny, either in one or more. The Expedients for prevention thereof, are such as these; That seeing it is lawful to kill a Tyrant and Usurper, without any express Law, it would be much more commendable, and more encouragement, for Undertakers herein, if a Law were made, that in that Case onely it should be lawful for a man to kill another, that doth design, plot, conspire; or that setteth on foot any thing that tendeth to the erecting of Tyranny. Here it is not meant to countenance Murders, that after slaying a man, it shall be sufficient to plead he was erecting a Tyranny for himself or others: No; but his Plea for his Justification, shall be attended with such Circumstances, and other Evidences and Proof, that it shall be demonstrable and evident that it was so. Without some such kind of Law, and the often reading thereof, as once it was a Custom, that *Magna Charta* should be read once a year in every Church throughout these Dominions, you shall never else be able to keep our Tyrants. Would you do it by Arms, he maketh them his; would you do it by Law, he liveth himself above the Laws. In such a Case, no Hand can reach him, but a private Hand. To what purpose is it, that a Common-wealth shall ordain, that it shall be Treason for any to attempt the Supremacy; and that it shall be punished with death, when such like Ordinances cannot take place, nor be put into execution: unless that he who attempteth the Tyranny, do miscarry and fail of his Enterprise? But on the contrary, if the Usurper doth accomplish and effect what he undertaketh, then such kind of Laws are but dead Letters; for that the Law by a publick Hand of Justice cannot reach him, in regard that now he hath made himself Master of the Law, and all Courts of Justice, by which the Law is administred; therefore a private Hand of Justice must reach him: to that end and purpose, to preserve a State free, you must ordain such a Law that great Rewards shall be given, and respect shall be had to such person or persons, as shall kill a Tyrant and Usurper, that shall attempt the Supremacie of a Nation. If such a Law had been in being at that day that the sitting of this Parliament was interrupted; and that in prosecution of that Law some one or two had put it in execution upon *Cromwel* and *Harrison*, who took the Speaker by the hand, and drew him out of his Chair, it had doubtless prevented that Tyranny, that hath been over us for these six years, and might again the same day have given quiet to the sitting of the Parliament, if the same day the Execution had been done; the which, doubtless, would have been, if any such Law had been in being. Is it any other, then, in effect, than the same Law that it shall be death to attempt the Supremacie; and that it shall be lawful for any one to kill him, that shall attempt the Supremacie: You design his death, that shall do such a thing by your Law; onely the manner of the Execution differeth: Both are good, and when ordinary Justice cannot reach him, Extraordinary ought. The Reward to the person that shall deliver his Countrey in this manner, ought to be great, he ought to have his Condition bettered ten times, of what it was under the Tyrant, which will invite some to undertake the work. Killing of a Tyrant is onely lawful, when other means faileth. It is not lawful, but when the Publick may probably reap the benefit of it. If you should kill one Tyrant to set up another, you sin against God, and Nature, and Law.

FINIS.

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